

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

ADRIAN CARBAJAL, )  
                        )  
                        )  
Petitioner,         )  
                        )  
                        )  
v.                     )                      1:14CV591  
                        )  
                        )  
MR. T. MCCOY,         )  
                        )  
                        )  
Respondent.         )

**ORDER**

The Recommendation of the United States Magistrate Judge was filed with the Court in accordance with 28 U.S.C. § 636(b) and, on January 29, 2015, was served on the parties in this action. Plaintiff filed objections to the Recommendation. (Doc. 10.) The Court has appropriately reviewed the portions of the Magistrate Judge's report to which objection was made and has made a *de novo* determination in accord with the Magistrate Judge's report. The Court therefore adopts the Magistrate Judge's Recommendation.

**IT IS THEREFORE ORDERED** that Respondent's Motion to Dismiss is **GRANTED**, and that the Petition is **DISMISSED**. A judgment dismissing this action will be entered contemporaneously with this Order. Finding no substantial issue for appeal concerning the denial of a constitutional right affecting the conviction, nor a debatable procedural ruling, a certificate of appealability is not issued.

This, the 19<sup>th</sup> day of March, 2015.

/s/ Loretta C. Biggs  
United States District Judge